

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Order Filed on July 8, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:
David M. Christensen

Case No.: 21-11137
Hearing Date: July 3, 2024
Chapter: 13
Judge: Kaplan

**ORDER AUTHORIZING
SALE OF REAL PROPERTY**

Recommended Local Form: ☐ Followed ☒ Modified

The relief set forth on the following pages numbered two (2) and three (3), is
ORDERED.

DATED: July 8, 2024


Honorable Michael B. Kaplan
United States Bankruptcy Judge

After review of the Debtor's motion for authorization to sell the real property commonly known as 1725 3rd Avenue, Toms River, New Jersey (the Real Property).

IT IS hereby **ORDERED** as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
3. ☐ In accordance with D.N.J. LBR 6004-5, the *Notice of Proposed Private Sale* included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional: | |

Amount to be paid: | |

Services rendered: | |

OR: ☐ Sufficient funds may be held in escrow by the Debtor's attorney to pay real estate broker's commissions and attorney's fees for the Debtor's attorneys on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.
5. The amount of \$25,150.00 claimed as exempt may be paid to the Debtor at the closing.

6. The ☐ *balance of proceeds* or the ☒ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtor's case.

7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.

8. ☒ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.

9. Other provisions:

RE/MAX Revolution, 1218 3rd, Spring Lake, NJ 07762, the seller's agent, shall be paid a commission of \$12,200.00 at the closing. In the event the Order Authorizing Retention has not been entered at the time of the closing, this amount shall be held in trust by the closing agent until the Order Authorizing Retention is entered.

Keller Williams Realty Monmouth Ocean, 353 N County Line Road, Jackson, NJ 08527, the buyer's/participating agent shall be paid a commission of \$9,400.00 at the closing. In the event the Order Authorizing Retention has not been entered at the time of the closing, this amount shall be held in trust by the closing agent until the Order Authorizing Retention is entered.

Frederic C. Goetz, Esq., the attorney representing debtor regarding the sale of debtor's real estate/Special Counsel, shall be reimbursed costs in the amount of \$175.00 at the closing. In the event the Order Authorizing Retention has not been entered at the time of the closing, this amount shall be held in trust by the closing agent until the Order Authorizing retention is entered. The attorney fee will be paid by a legal insurance plan.

After all allowed amounts pursuant to this Order are paid, any excess funds shall be held in trust by the closing agent pending confirmation of the Modified Plan.

If the sale is not completed within 90 days of the entry of this Order, the Order authorizing the sale shall be deemed moot.

The 14 day stay pursuant to Federal Rule of Bankruptcy Procedure 6004 (h) is hereby waived.

In re:
David M. Christensen
Debtor

Case No. 21-11137-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Jul 08, 2024

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 10, 2024:

Recip ID	Recipient Name and Address
db	David M. Christensen, 1725 Third Ave, Toms River, NJ 08757-3510

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 10, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 8, 2024 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Aleisha Candace Jennings	on behalf of Creditor U.S. Bank Trust National Association ajennings@hillwallack.com
Denise E. Carlon	on behalf of Creditor U.S. Bank Trust National Association as Trustee for CVI LCF Mortgage Loan Trust I dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Frances A Tomes	on behalf of Debtor David M. Christensen ftomes@tomeslawfirm.com agreenberg@tomeslawfirm.com;tomesfr92561@notify.bestcase.com;mariad@tomeslawfirm.com;tasmync@tomeslawfirm.com;ch ristinerk@tomeslawfirm.com
Kenneth Borger, Jr	on behalf of Creditor U.S. Bank Trust National Association kborger@raslg.com
Melissa N. Licker	on behalf of Creditor Fay Servicing LLC mlicker@hillwallack.com, HWBKnewyork@ecf.courtdrive.com
Sherri R. Dicks	on behalf of Creditor U.S. Bank Trust National Association shrdlaw@verizon.net shrdlaw@hotmail.com

District/off: 0312-3

User: admin

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Date Rcvd: Jul 08, 2024

Form ID: pdf903

Total Noticed: 1

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8